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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

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TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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October 21, 2004

**FACSIMILE COVER SHEET**

To: Examiner Chun Cao  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/809,408  
Filed: March 15, 2001  
Applicant: Jennifer Anne Dervin et al.  
Art Unit: 2115  
Confirmation No.: 3577  
Our Ref: IBM/181

Fax: 703-872-9306

**Enclosures:**

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission (2 pages)  
Amendment and Response (20 pages)

Pages: 23 (including cover sheet)

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**MESSAGE/COMMENTS  
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I hereby certify that this correspondence and the enclosures noted herein (23 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Chun Cao, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on October 21, 2004.

*Judith L. Volk*  
Judith L. Volk

*October 21, 2004*  
Date

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PATENT

Att'y Docket No. IBM/181/124  
Confirmation No. 3577

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk  
Judith L. Volk

October 21, 2004  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jennifer Anne Dervin et al. Art Unit: 2115  
Serial No.: 09/809,408 Examiner: Chun Cao  
Filed : March 15, 2001  
For : AUTOMATED NODE RESTART IN CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	38	minus	38	0	\$18	\$0.00
Independent Claims	11	minus	11	0	\$88	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$300	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2  
Serial No. 09/809,408  
Transmittal for Amendment of October 21, 2004  
IBM Docket: ROC920000313US1  
WH&E IBM/181

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$ 215.00
<input type="checkbox"/>	three months	\$ 980.00	\$ 490.00
<input type="checkbox"/>	four months	\$1,530.00	\$ 765.00
<input type="checkbox"/>	five months	\$2,080.00	\$1,045.00

Extension fee due with this request:

\$ \_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

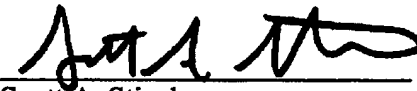
(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
 Scott A. Stinebruner  
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**Enclosed:**

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OCT 21 2004

PATENT

IBM/181  
Confirmation No. 3577**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jennifer Anne Dervin et al.      Art Unit: 2115  
Serial No.: 09/809,408      Examiner: Chun Cao  
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SYSTEM

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**AMENDMENT AND RESPONSE**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated July 21, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 13 of this paper.

Page 1 of 20  
Serial No. 09/809,408  
Amendment and Response dated October 21, 2004  
Reply to Office Action of July 21, 2004  
IBM Docket ROC920000313US1  
WH&E IBM/181  
K:\bm\181\Amendment and Response to 7-21-04 OA.wpd